

REMARKS

Claims 1, 3, 5, 6, 13, 21, 29, 30, 31 and 32 are amended, and non-elected claims 7-12 are cancelled. Claims 1-6 and 13-33 are pending, of which claims 1, 3, 5, 6, 13, 21, 29, 30, 31 and 32 are independent claims.

The independent claims other than claims 31-32 (see below) have been amended to recite more specific features that are believed to better distinguish these claims from the art of record. Support for these amendments can be found in the application as filed. No new matter has been added.

In the Office Action, it is indicated that claims 31-32 would be allowable if re-written in independent form. This action has been taken herein.

In the Office Action, claims 1-6, 13-30 and 33 are rejected under either 35 U.S.C. § 102 or 35 U.S.C. § 103 in view of Ogasawara et al. It is believed that these rejections are no longer applicable due to the amendment of all the independent claims. The differences between the claims as amended and Ogasawara are discussed briefly below.

Claim 1 as amended recites a method of directing a request to process data which includes (underlining added for emphasis):

maintaining cost information for a plurality of resources available to satisfy client requests via a plurality of resource providers, the cost information for each resource specifying a relationship between levels of usage of the resource in a billing interval and corresponding levels of prices charged by the respective resource provider in the billing interval;

maintaining usage information for the plurality of resources, the usage information for each resource specifying a level of usage of the resource that has been experienced during the billing interval;

generating, based on the usage information and an estimated request usage of the request, an estimated response usage for each resource of the plurality of resources that reflects a potential usage if responding to the request, each estimated response usage being

associated, via the cost information, with a corresponding cost estimate for processing the request;

selecting a resource from said plurality of resources to process the request based on the respective cost estimate associated with said estimated response usage of each of said resources; and  
forwarding the request to the selected resource.

The above method is directed to maintaining and utilizing cost information to direct a request to a particular resource, where the cost information specifies a relationship between levels of usage of the resource in a billing interval and corresponding levels of prices charged by the respective resource provider in the billing interval. Thus the method is concerned with "cost" in the specific sense of "prices", not in the general sense of "utility" however measured.

Ogasawara is seen to disclose a communications system that allocates communication bandwidth to calls in a manner that optimizes network system performance. Specifically, a control unit maximizes an "expected utility" function. The utility function is a weighted combination of network performance characteristics which can include grade of service (percentage of blocked calls), throughput, message delay, utilization, number of satellite hops, percentage of calls preempted, quality of service, and satisfaction of higher priority call requests.

There is no description in Ogasawara of including with the definition of "utility" any cost information that specifies a relationship between levels of usage of the resource in a billing interval and corresponding levels of prices charged by a respective resource provider in the billing interval. Indeed, there is not seen to be any description in Ogasawara of including price information at all in the expected utility calculation or function, nor is there seen to be any description of the resources provided by different resource providers at respective different prices. Thus, Ogasawara is seen to lack at least this aspect of claim 1, and therefore cannot anticipate claim 1 under 35 U.S.C. § 102 nor can it render claim

-19-

1 obvious under 35 U.S.C. § 103. Therefore claim 1 is seen to be allowable in view of Ogasawara for at least these reasons. Because the remaining claims (other than claims 31-32) incorporate, either directly or indirectly, the above-discussed features of claim 1, the remaining claims are likewise seen to be allowable in view of Ogasawara.

#### Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. Please charge any fee deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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